

June 16, 2004

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:11 p.m. on Wednesday, June 16, 2004, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Horwich.

3. ROLL CALL

Present: Commissioners Botello, Fauk, Horwich, LaBouff, Muratsuchi, Uchima and Chairperson Drevno.

Absent: None.

Also Present: Planning Manager Isomoto, Sr. Planning Associate Lodan, Planning Assistant Santana, Planning Associate Cutting, Associate Civil Engineer Symons, Fire Marshal Carter, Building Regulations Administrator Segovia, Transportation Planner Semaan and Deputy City Attorney Whitham.

4. POSTING OF THE AGENDA

MOTION: Commissioner Horwich, seconded by Commissioner Muratsuchi, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval.

5. APPROVAL OF MINUTES

None.

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Isomoto relayed the applicant's request to continue Item 7B (DVP04-00002, MOD04-00007: South Bay Chrysler Jeep Dodge) to July 7, 2004.

MOTION: Commissioner Muratsuchi moved to continue Item 7B to July 7, 2004. The motion was seconded by Commissioner Fauk and passed by unanimous roll call vote.

Planning Manager Isomoto announced that the hearing would not be re-advertised because it was continued to a date certain.

Chairperson Drevno reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

7. CONTINUED HEARINGS

7A. CUP04-00011, PRE04-00007: BISHOP MONTGOMERY HIGH SCHOOL

Planning Commission consideration for approval of a Conditional Use Permit and Precise Plan of Development to allow the construction of a practice facility for an existing high school on property located in the A-1 Zone in the Hillside Overlay District at 5430 Torrance Boulevard.

Recommendation

Approval.

Planning Assistant Santana introduced the request and noted supplemental material available at the meeting.

Bill Burch, project architect, reported that since the last meeting, he visited Unit Nos. 20, 22 and 23 at Peppertree Village (1200 Opal Street) and observed that, with the four-foot height reduction, the proposed structure would be below the horizon and while residents would see the building, it would not affect the quality of their views. He submitted photographs of views from these units with the practice facility superimposed to illustrate.

Craig Leach, 3637 Courtney Way, on behalf of Bishop Montgomery, stated that the high school, which has a very active athletic program, is an asset to the community and that the proposed practice facility will put it on par with other Torrance schools. He explained that the facility has been reduced in height by nine feet to address neighbors' concerns about view impact and that appraisers were hired to verify that the project would not adversely impact property values at Peppertree Village.

Commissioner Horwich stated that when viewing the silhouette from Unit No. 23 at Peppertree Village, it appeared that the flag line farther away was higher than the flag line closer to the unit. Mr. Burch advised that the new silhouette was certified and both flag lines are the same height.

Mr. Burch voiced his agreement with the recommended conditions of approval.

Robert Abelson, 800 S. Pacific Coast Highway, and his associate, Alan Fradkin, 721 S. Pacific Coast Highway, submitted an appraisal report detailing the project's impact on property values at Peppertree Village. Mr. Abelson reviewed the methodology that was used in arriving at the report's conclusion that the project would have no measurable impact on property values. He noted that approximately 13 units would be impacted; that some would have improved views due to the removal of the friary building and replacement with a park-like area; and that other units would have views of the sump/classrooms/gymnasium blocked by the new practice facility, however, this was not considered a negative.

Andy Reed, 1200 Opal Street, #23, voiced objections to the proposed project. He noted his disagreement with the appraisal report, maintaining that the view from his back deck would definitely be downgraded. He estimated that there is a six-foot height differential between the front and the rear flag lines as viewed from his home.

Commissioner Faulk stated that he observed the same height differential when he viewed the silhouette from Mr. Reed's home, however, he was convinced it was an optical illusion because when viewed from ground level, the supporting poles are all the same height. Mr. Burch confirmed that the four poles representing the tallest part of the structure are all the same height.

Noting that a Commissioner at the last meeting indicated that he was inclined to approve the project because of the City's commitment to supporting education, George Meier, 1200 Opal Street, #29, disputed the contention that athletic activities enhance education, maintaining that they are actually a distraction. He stated that residents stand to lose up to \$50,000 due to the reduction in their property values and asked Commissioners to consider the following questions: Is a non-essential practice facility more important than the welfare of neighbors? Has sufficient documentation been presented to confirm that the proposed location is the only viable option? Is the financial hardship residents will incur a reason to reject the proposal? Does it make sense to support this school over the needs of residents when students have the option of attending public schools?

Karen Mintzias, 1200 Opal Street, #32, stated that Bishop Montgomery has a thriving athletic program without the proposed facility as evidenced by its numerous achievements; that early morning/late evening practice times are common in public schools and staggered departure times for students are desirable; and that indoor practice space of the magnitude proposed would be a luxury for the school at the expense of neighbors' home values.

Richard Dyer, 1200 Opal Street, #20, voiced objections to the project, stating that some residents will be severely impacted. He submitted a letter from a neighbor who was unable to attend tonight's meeting and the third page of a petition that was submitted at the last meeting but was missing from the staff report.

Mr. Dyer requested that the following conditions be incorporated should the project be approved. **Removal of two-story structure:** 1) Demolition shall be controlled with hazardous materials handled in a safe manner; 2) Trees at the rear of the structure shall be retained and kept trimmed; 3) The area shall be landscaped with no picnic tables and must not be used as a lunch area. **Removal of basketball courts:** 1) This area must be landscaped and maintained. **New practice facility:** 1) The west elevation of the building shall be painted and/or landscaped to soften its appearance; 2) The existing green fencing shall be continued down to the road south of the convent; 3) Any planting done shall not exceed the height of the building and must be maintained at that level; 4) Building lighting shall be low and directed downward.

William Seaman, 1200 Opal Street, #18, noted his agreement with his neighbors' remarks. He stated that a comment was made that the new practice facility would put Bishop Montgomery on a par with public schools, but having a second gym would mean that it would have a 40% better ratio (number of students per gym) than public schools

since Torrance high schools have an average enrollment of 2,000 students and Bishop Montgomery has an enrollment of 1,100.

Commissioner Horwich asked about plans for the area where the two-story building will be removed. Rosemary Libbon, Principal of Bishop Montgomery, reported that while a decision has not been made, it might be used as a lunch area, noting that the lunch period is 30 minutes.

Responding to questions from the Commission, Mr. Burch indicated that the applicant had no objection to conditions requiring landscaping on the west side of the building, the extension of the green lattice fence, approval of a lighting plan by the Community Development Director, and prohibiting permanent bleachers from being installed in the facility.

Commissioner Uchima related his observation that overgrown trees in the vicinity of the friary were blocking views, and Ms. Libbon offered to have the trees trimmed.

MOTION: Commissioner Botello, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Muratsuchi acknowledged that views are precious but noted that they are also very subjective. He voiced his opinion that Bishop Montgomery had made an extraordinary effort to compromise and while it may require some sacrifices, he believed it was important for the school's 1100 students to have this facility

Chairperson Drevno stated that she believed Bishop Montgomery had tried very hard to address neighbors' concerns and that the proposed facility was a worthwhile project.

MOTION: Commissioner Faulk moved for the approval of CUP04-00011 and PRE04-00007, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Modify:

- No. 5 That a landscape plan shall be submitted to the Community Development Department for approval ... which will include landscaping on the west side of the new building.
- No. 7 That the applicant shall provide a conceptual lighting plan ... to be approved by the Community Development Director prior to the issuance of building permits.

Add:

- That the trellis fence shall be extended further south.
- That no permanent bleachers shall be installed in the practice facility.

The motion was seconded by Commissioner Botello and passed by unanimous roll call vote.

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution Nos. 04-054 and 04-055.

MOTION: Commissioner Faulk moved for the adoption of Planning Commission Resolution Nos. 04-054 and 04-055 as amended. The motion was seconded by Commissioner Botello and passed by unanimous roll call vote.

Voicing his opinion that Bishop Montgomery had met its burdens with regard to the Hillside Overlay Ordinance, Commissioner Botello noted that the school's administration explained at the previous meeting how the site was selected after it was determined that other potential sites were unsuitable; that there has been a 25% reduction in the height of the project since originally submitted; and that an appraiser confirmed that the project would not adversely impact property values. He stated that he believed athletic activities are a valuable part of education and that the school is to be commended for its high rate of participation.

Commissioner Faulk commended both Bishop Montgomery and residents for their efforts, stating that he believed the Planning process worked very well in this case and that residents would be satisfied once the facility has been completed.

7B. DVP04-00002, MOD04-00007: SOUTH BAY CHRYSLER JEEP DODGE PATRICK WIRZ / AHT ARCHITECTS)

Planning Commission consideration for approval of a Development Permit and a Modification of previously approved Conditional Use Permits (CUP87-25, CUP72-1, CUP71-44) to allow the expansion and renovation of an existing automobile dealership on property located in the Hawthorne Boulevard Corridor Specific Plan Promenade Sub-district at 20433 Hawthorne Boulevard.

Continued to July 7, 2004.

8. WAIVERS

None.

9. FORMAL HEARINGS

9A. PRE04-00011: BARBARA CRAWFORD (DOUG LEACH)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 23170 Doris Way.

Recommendation

Approval.

Planning Assistant Santana introduced the request.

Doug Leach, project architect, briefly described the proposed project and voiced his agreement with the recommended conditions of approval.

MOTION: Commissioner Muratsuchi, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

MOTION: Commissioner Muratsuchi moved for the approval of PRE04-00011, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution No. 04-072.

MOTION: Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 04-072. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

9B. PRE04-00012: DON AND MADALYN REYNOLDS

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 22502 Linda Drive.

Recommendation

Approval.

Planning Assistant Santana introduced the request.

Bill James, project architect, voiced his agreement with the recommended conditions of approval.

MOTION: Commissioner Muratsuchi, seconded by Commissioner Botello, moved to close the public hearing; voice vote reflected unanimous approval.

MOTION: Commissioner Uchima moved for the approval of PRE04-00012, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Botello and passed by unanimous roll call vote.

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution No. 04-073.

MOTION Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 04-073. The motion was seconded by Commissioner Botello and passed by unanimous roll call vote.

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Commissioners briefly entertained the idea of hearing Items 9D and 10A out of order. Planning Manager Isomoto recommended that the Commission proceed with Item 9C as discussion of the aforementioned items could be lengthy.

**9C. EAS04-00001, CUP04-00014, DVP04-00003, MOD04-00008, TTM061219
VAR04-00002: SHEA HOMES L.P. / DAVID KEMMERER**

Planning Commission consideration for adoption of a Negative Declaration and approval of a Conditional Use Permit and a Development Permit to allow the construction of a 226-unit condominium development and establishment of a mixed-use development with an existing commercial office complex, a Modification of a previously approved Conditional Use Permit (CUP65-38), a Tentative Tract Map for condominium purposes and to allow a Lot Line Adjustment between two parcels, and a Variance to allow the use of tandem parking on property located in the Hawthorne Boulevard Corridor Specific Plan, Del Amo Business Sub-district One (HBCSP-DA-1) north of Carson Street at Del Amo Circle West and west of Hawthorne Boulevard behind the Del Amo Financial Center.

Recommendation

Approval.

Commissioner Botello and Commissioner Uchima announced that they were abstaining from consideration of this item because they have offices in the immediate vicinity and exited the dais.

Planning Assistant Santana introduced the request and noted supplemental material consisting of correspondence from the Los Angeles County Sanitation Districts and the Department of Transportation.

Joe Fleischaker, representing Shea Homes L.P., 603 S. Valencia Avenue, Brea, provided background information about Shea Homes, indicating that it is a family-owned business committed to excellence. He briefly described the proposed project, noting that it is consistent with the site's zoning and meets or exceeds Hawthorne Boulevard Corridor Specific Plan standards. He explained that the project consists of four stories of living space over a two-story subterranean garage; that the project was downsized from the 279 units originally proposed to 226 condominium units; and that the units will be a mix of flats and townhomes from 1250 to 2000 square feet, priced from \$500,000 for smaller units to over \$700,000 for larger units on the fourth floor. He reported that the project's amenities will include a large community pool, a clubhouse, and three spas and noted the site's proximity to shopping, restaurants and commercial developments. He explained that the project will be well landscaped with gardens and fountains and that the developer was committed to preserving as many of the existing trees as possible.

Pamela Sapetto, representing Shea Homes, detailed the meetings that were held to gain input from the community and the modifications that were made in response to residents' concerns, noting that concerns were focused on traffic, pedestrian access, parking, and the impact on schools. She explained that since traffic migrating into the Southwood neighborhood was a major concern, the project was designed to direct traffic toward Hawthorne Boulevard by restricting turning movements and installing traffic medians. She noted plans to install a new crosswalk at Del Amo Circle and Carson Street and a Class II bikeway on Del Amo Circle. With regard to parking, she reported that the project has double the required guest parking and an average of three parking

spaces per unit. With regard to schools, she explained that the developer would be paying over \$800,000 in school impact fees and was working with the school district to implement an improved pick-up/drop-off area at Jefferson Middle School. She stated that the company was committed to working with the community on a long-term basis.

Larry Corrao, 21237 Ocean Avenue, disputed findings in the Environmental Checklist Form, maintaining that the proposed project would significantly impact traffic and schools in the area. He indicated that he was particularly concerned about increased attendance at schools that are already using temporary classrooms to house students. He urged denial of the project, stating that it was critical for the future of Torrance that super high-density development be stopped.

Linda Gottshall-Sayed, President of West Torrance Homeowners Association, stated that while the project would not directly impact residents in the West Torrance area, they are extremely concerned about the impact on traffic and the loss of commercial space. Referring to statistics on the City's website, she expressed concerns about the large increase in the number of construction permits being issued. She noted that it has been projected that 5 million people will be moving to the South Bay in coming years, but suggested "if you don't build it, they won't come."

Tom Brewer, representing Southwood/Riviera Homeowners Association, stated that he wanted to reinforce the concerns mentioned by other speakers. He voiced objections to the fact that the Hawthorne Boulevard Corridor Specific Plan adopted in 1996 calls for a maximum floor area ratio (FAR) of 1.0 but the proposed project has an FAR of 1.8 and maintained that this failure to enforce guidelines has contributed to traffic problems. He noted that at the Council meeting the previous evening, Councilmember Scotto proposed a moratorium on residential projects of 10 units or more until the City can assimilate the projects that have already been approved and requested that this and other high density projects be postponed until development guidelines can be reviewed.

Sandi Monda, Southwood Project Committee, thanked the development team for meeting with the committee, noting that they have been very open to committee members' suggestions and concerns. She indicated, however, that the committee does not support the project because it would be an island of 226 housing units in one of the busiest commercial/retail areas in Torrance, providing no transition between residential and commercial uses. She stated that the committee does not believe residents of the new development will walk to jobs/restaurants/shopping and fears that the school district has underestimated the impact on schools.

Ms. Monda related the committee's belief that the project would generate more than the 70 students estimated by the school district and questioned how the school district could assert that these children could be easily absorbed into already overburdened schools. Submitting written information to illustrate, she reported on a joint effort by a parents' organization, the school district and the board of education to solicit pledges from parents in the amount of \$50 per student to maintain class sizes in the coming year.

Ms. Monda requested that a condition be included requiring a traffic signal to be installed at Carson and Del Amo Circle, should the project be approved, to make it safer for children walking to school and to provide safe ingress/egress for Southwood residents. She noted that residents continue to be opposed to the installation of

landscaped medians on Torrance Boulevard and Carson Street (Condition No. 22) as was stated at the time the City Council approved them two years ago. She emphasized the need for the City to come up with a plan before any new housing developments are approved, noting that some of the information provided in conjunction with this project was from the City's General Plan, which was adopted in 1992.

Patrick Furey, President of Northwest Torrance Homeowners Association, stated that his organization shares the concerns of nearby residents but of greater concern to those in North Torrance is the traffic in their area. He reported that all intersections leading to the 405 Freeway are completely gridlocked during peak hours in the morning, evening and midday and contended that Torrance cannot accommodate new housing developments of this magnitude. He stated that he was pleased to learn that a councilman had proposed a moratorium and stressed the need for a traffic study, which encompasses the entire city.

Ron Butterworth, treasurer of Old Torrance Neighborhood Association and chairman of the ad hoc facilities committee for the school district, reported that the school district is very short on funds and cannot afford to build more schools or even fix what they have. He expressed concerns about the loss of commercial/industrial property, noting that businesses generate more revenue for the City than property taxes and that this property cannot be reclaimed once it has been developed for residential use. He urged a review of the City's Master Plan.

Robert Thompson, President of Madrona Homeowners Association, stated that the City has not addressed the impact of previous developments and his organization will continue to oppose any new projects until these problems are solved.

Yvonne Tressel, 4558 Cathann Street, expressed concerns about the project's impact on schools and traffic.

Tom Rische, President of Seaside Homeowners Association, commented on traffic problems in his area. He noted that the proposed project could be affected by a proposal to build a tunnel under Carson Street in conjunction with renovations at Del Amo Fashion Center and that the street could potentially be closed for a year. He encouraged the City to devise an overall plan for development rather than addressing projects in a piecemeal fashion.

Joyce Jiminez, 920 Patronella Avenue, called for a moratorium on building until developments already approved have been built and projections made during the planning process can be confirmed. She expressed concerns that citywide problems with traffic, utilities, schools and pollution were being compounded by new developments.

Cary Kellems, 1305 Florwood Avenue, voiced concerns about high-density developments.

Albert Metz, 21702 Marjorie, commented on the lack of improvements to City streets despite increasing traffic, noting that there has been no major reconstruction of Torrance Boulevard, Carson Street or Sepulveda Boulevard for the last several years. He quoted from the letter from the Department of Transportation, "We note that in various locations, Hawthorne Boulevard is currently at times operating at a level-of-

service “F”, so this project in conjunction with other projects in the vicinity is likely to lead to considerable worsening of intensity and length of time of congestion,” and urged that the cumulative effects of all proposed and expected development be considered rather than looking at each project on an individual basis.

Noting that Shea Homes has an excellent reputation, Harrison Scott, 908 Patronella Avenue, stated that he does not fault the developer because they have a right to develop property in accordance with the zoning, however, the City must address existing traffic problems before that can be accomplished.

Charlie Saulenas, 1314 Acacia Avenue, voiced objections to the proposed project due to the adverse impact it would have on the quality of life in Torrance.

Arthur Evans, 5522 Arvada Street, asked about the site's drainage and expressed concerns about the project's impact on schools and traffic.

Bonnie Mae Barnard, Save Historic Old Torrance, stated that her organization is extremely concerned about over-development in Torrance and commented on the need for a citywide traffic review and a long-range plan for growth. She noted that the existing General Plan was adopted in 1992; therefore, the recommendation for the adoption of a Negative Declaration was based on 12-year-old data. Reporting that 180 condominiums are in the process of being built in her neighborhood alone, she contended that traffic problems and overcrowded schools will have an impact on property values in the future.

Michael O'Brien, 2737 W. 225th Street, commented on traffic congestion and reported that his neighborhood is being impacted by cut-through traffic. Noting that the City has excellent police and fire departments, he questioned whether there were plans to increase manpower to deal with the increase in population. He voiced concerns that more than one family may have to occupy a unit in the proposed development in order to afford the mortgage payments.

Newton Young, representing Southwood/Sunray Homeowners Association, called for an end to the conversion of commercial/industrial property for high-density residential development, noting existing traffic congestion and overcrowded schools. He pointed out that commercial/industrial property cannot be reclaimed once it has been developed with homes, commenting on the school district's decision in the 1970s to sell some of its property due to declining enrollment, a decision that proved to be a big mistake. He voiced support for a moratorium on projects over 25 units.

Urging denial of the project, Edward Aronson, 1024 Amapola Avenue, voiced concerns about the project's impact on the City's infrastructure and disputed the contention that it would have no impact on traffic.

Pamela Persaud, 21717 Marjorie Street, stated that she moved to Torrance in 1989 from Redondo Beach because she did not want to live in a high-density area and expressed concerns that the proposed project would exacerbate traffic congestion, which has dramatically increased since she moved here.

Jim Ulrich, 2605 Sepulveda Boulevard, reported that he formerly worked in the Police Department's Traffic Division and the No. 1 concern of residents was traffic, not robbery, rape or murder. He stressed the need for a systematic approach to

development to ensure that the City's infrastructure can handle the growth and the Commission's obligation to protect and mold the future of Torrance.

Nina McCoy, member of Historical Torrance Association, expressed concerns about whether the police department was adequately staffed to handle all the development in the City and maintained that the price of these units was out of reach for most people.

Lourdes Sandoval, 3202 Antonio Street, related her granddaughter's experience in overcrowded classrooms at Torrance High and urged the Commission to consider the people who already live in Torrance.

Scott Douglas, 21535 Hawthorne Boulevard, Suite 352, one of the owners of Del Amo Financial Center, reported on efforts to develop this site over the past four years, noting that a high-end apartment complex was proposed by the Fairfield Company but the project was subsequently withdrawn in response to residents' concerns. He explained that a series of workshops were held following the withdrawal to consider whether the zoning should be revised; that the zoning was ratified along with additional guidelines; and that Shea Homes has abided by these standards in designing the proposed project. He pointed out that he has a vested interest in Torrance, having acquired and rehabbed more office space than anyone over the past seven years. He stated that commercial development has far outpaced residential development in Torrance and maintained that businesses are the source of traffic problems, not the minor residential projects being built.

Returning to the podium, Joe Fleischaker, noted that the Hawthorne Boulevard Corridor Specific Plan was adopted in 1996 and reassessed in 2002, following the withdrawal of the Fairfield project, and that the proposed project complies with the standards ratified by the City Council in 2002. Pointing out that the existing CUP (CUP65-38) allows for commercial space with an FAR of 1.39, he explained that with regard to traffic, a project's FAR is much less of an issue for a residential development than for commercial/industrial/retail space where there is a direct correlation between the FAR and trip generation. For example, a 1200 square-foot three-bedroom condominium would likely generate the same amount of traffic as a 2000 square-foot one.

Richard Baretto, Linscott, Law & Greenspan Engineers, who prepared the traffic study, confirmed that a commercial/office development would generate significantly more traffic than a residential development of the same size.

Commissioner Muratsuchi commented that he thought the statement in the letter from the Department of Transportation—that this project in conjunction with other proposed projects would likely lead to considerable worsening of traffic congestion—could be considered a “smoking gun.” Mr. Baretto stated that he did not dispute this statement, however, it was determined, using the same criteria used to evaluate all other projects, that the proposed project by itself would not have a significant impact on traffic.

Jeff Kenyon, representing Shea Homes, discussed the impact on schools. He explained that representatives of his company met with the Torrance Unified School District (TUSD) on numerous occasions; that TUSD's student generation study indicated that the development would generate up to 70 students; that the school district confirmed that it could accommodate these students; and that the company's experience

with a similar project indicates a student generation rate closer to 16% versus the school district's rate of 31%. He reported that the developer will be paying in excess of \$800,000 in fees to the school district and that the company has requested that these funds be used to mitigate the impact at the three schools that could be affected. In addition, the company was discussing the possibility of enlarging the parking lot and creating a bus and vehicle drop-off area at Jefferson Middle School. Referring to the school district's request that parents pledge \$50 per student, he noted that \$800,000 equates to donations for 16,000 students.

Addressing concerns about drainage, Mr. Kenyon reported that the developer is required to do drainage and sewer studies to ensure that there will be adequate drainage and sewer capacity. With regard to Mr. O'Brien's concern that more than one family would live in a unit, he explained that it has been the company's experience that homes in this price range are purchased by well-educated professional people who already live in the community and are downsizing from single-family homes. Additionally, there will be a professionally managed homeowners association to handle this problem should it occur.

In response to Commissioner Muratsuchi's inquiry, Mr. Kenyon confirmed that the \$800,000 is a statutory fee based on square footage paid by all developers, but indicated that the company expects to provide the school district with additional funds over and above this fee for extra mitigating elements. He also confirmed that the homes would be marketed to a range of buyers, including young families.

Responding to the contention that the residential project would be an island surrounded by commercial uses, Ms. Sapetto noted that there is single-family housing on Ocean and a senior housing development nearby so there is some transition between residential and commercial uses.

MOTION: Commissioner Faulk, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

The Commission recessed from 10:20 p.m. to 10:27 p.m.

Commissioner Muratsuchi noted that he had requested that a representative from the school district be present at this hearing because the impact on schools was one of his main concerns.

Planning Manager Isomoto advised that school district was not asked to send a representative, however, they did provide information regarding how student generation rates are calculated. She explained that the school district is required by the State to conduct a study at least every two years in order to assess school impact fees and that the study looks at the district's enrollment area by area, uses tax assessor records to determine the number and type of housing in each area, and formulates two student generation rates, one for single-family homes and one for two units or more. She reported that the last study was done in February of 2004 and rates indicate that this development would generate approximately 70 students—30 elementary, 17 middle school, and 23 high school. She stated that the methodology used to calculate the figures has never been questioned and meets all legal requirements. She noted that the district periodically checks the projections against the actual enrollment and has found the projections to be accurate.

In response to Commissioner Muratsuchi's inquiry, Planning Manager Isomoto stated that the school district did not indicate what impact the condominiums would have on class size but confirmed that they could accommodate the students, noting that it could be two to four years before the units are occupied. She reported that she asked for information on student generation from recently completed residential developments, but that information was not readily available. With regard to the statutory fees, she advised that staff calculated that the fees would amount to \$966,000 and that the district has the ability to negotiate for funds over and above the state-mandated fees if specific mitigations are needed.

Commissioner Muratsuchi stated that he was not comfortable adopting a Negative Declaration without additional information from the school district.

Responding to comments from the audience, Commissioner Faulk disputed the contention that the City was operating without a plan and using outdated information. He explained that the Commission has always evaluated each project on its own merits and that he totally supports this concept.

Commissioner Faulk indicated that he would not support the proposed project because he shares Commissioner Muratsuchi's frustration about the lack of information from the school district and has concerns about some of the design elements, the FAR, and the loss of commercial property. He cautioned, however, that those who favor a commercial use for this site should be aware that a commercial development will have a greater impact on traffic.

Chairperson Drevno stated that she also would not support the project, indicating that she was very concerned about the FAR and the lack of information from the school district.

Commissioner Horwich stated that he shared his colleagues concerns about the FAR and the impact on traffic and schools but was not ready to deny the project. He related his preference to continue the hearing for at least a month to allow the developers an opportunity to reexamine the project's density and to give the City Council an opportunity to decide whether they want to establish a moratorium.

Deputy City Attorney Whitham recommended that the Commission take action at this meeting unless there is a basis for a continuance, such as additional information the Commission believes is necessary to make a decision. She noted that the requested entitlements include a Variance, which means that the project will automatically be forwarded to the City Council for approval along with the record of this meeting.

MOTION: Commissioner Muratsuchi moved to continue the hearing so that a representative from the Torrance Unified School district could be present. The motion was seconded by Commissioner LaBouff, and discussion briefly continued.

Planning Manager Isomoto asked if there were other areas of concern about which the Commission would like additional information.

Commissioner Muratsuchi stated that he would like to see a reduction in the FAR, which would lessen the impact on both traffic and schools.

Commissioner LaBouff indicated that he did not have enough information from the school district; that he was skeptical about the traffic study in view of his personal experience; and that he was also concerned about the project's FAR.

Commissioner Horwich offered the following substitute motion.

MOTION: Commissioner Horwich moved to deny the project. The motion was seconded by Commissioner Muratsuchi and passed by unanimous roll call vote, with Commissioners Botello and Uchima abstaining.

Commissioners Botello and Uchima returned to the dais.

9D. LUS04-00002: CITYOF TORRANCE

Planning Commission consideration of an Ordinance amending the Torrance Municipal Code by adding regulations for body art establishments.

Planning Assistant Santana introduced the item.

Deputy City Attorney Whitham noted supplemental material available at the meeting consisting of a revised ordinance. Providing background information, she explained that the ordinance was prepared in response to a lawsuit filed by someone who would like to open a tattoo parlor in Torrance; that the Torrance Municipal Code currently prohibits such establishments; and that the proposed ordinance would allow this type of use while maintaining some control over where they may locate to address potential compatibility issues.

Deputy City Attorney Whitham advised that the original draft ordinance (per agenda material) prohibits body art establishments within 300 feet of any residential property, religious facility, or educational institution serving persons under 21 years of age; that the plaintiff's attorney expressed concerns that the ordinance was too restrictive because the area remaining does not provide enough potential sites for his client's business; and that the ordinance was subsequently revised to remove religious facilities from the 300-foot buffering requirement (per supplemental material). She noted that Commissioners had the discretion to make further modifications if they believe the remaining areas are not sufficient, such as allowing this type of use in the Hospital/Medical/Dental (HMD) Zone as long as the location is not within 300 feet of a school. She indicated that staff's primary concern was the protection of children.

Commissioner Faulk indicated that he would not support eliminating churches from the 300-foot buffering requirement because they are gathering places for children and many have schools on the same site.

Commissioner Horwich asked about restricting hours of operation. Planning Manager Isomoto explained that a Conditional Use Permit would be required for any body art establishment and that would be the vehicle for limiting hours of operation and adding any other restrictions related to a specific location.

Robert Moest, attorney for the plaintiff in the lawsuit filed against the City, stated that the City's ban on tattooing is unconstitutional because it violates the First Amendment; that the proposed ordinance is so restrictive that it would make operating a tattoo establishment commercially unviable; and that he did not believe the restrictions

were justified, legally or practically. He explained that the allowable areas include the airport, oil refineries and a few small islands of industrial/commercial land with almost no street exposure and that while there was some rationale for keeping tattoo establishments away from schools, the proposed ordinance map was entirely too restrictive. He noted that the application of permanent make-up would be exempted from the requirements of the ordinance, therefore, tattooing would be allowed in any beauty salon but would not be allowed for decorative purposes. He maintained that tattooing is a legitimate business, which does not create problems or depreciate property values in the surrounding neighborhood, and while it has been associated with gangs, his client will not do any work on anyone under 18 years of age. He emphasized that his client is a nationally recognized artist with extensive training.

Commissioner Faulk noted that the ordinance covers the broader category of "body art" and is not limited to tattooing. He called attention to the study included in the agenda material (*Tattooing and High-Risk Behavior in Adolescents*), which identifies a strong link between tattooing and deviant behavior in school-aged children.

Mr. Moest voiced his opinion that the article was "bad science," stating that there are a lot of studies that correlate things that are not necessarily related. He explained that tattooing has changed a lot in the last 20 years and as a practical matter, the City needs to figure out where it should be allowed.

Johnny Anderson, 3720 Emerald Avenue, plaintiff in the lawsuit, stated that after receiving the map of acceptable areas the previous evening, he searched for potential locations and found two suitable storefronts but was rejected when he attempted to rent one due to preconceived ideas about tattoo establishments. He reported that he scoured the entire city the previous weekend and after making 60 to 70 phone calls, wound up with only 3 potential leads. He stated that he was only asking for an opportunity to open up a respectable tattoo establishment in the city where he lives, noting that all of his customers must present valid identification to ensure that they are over the age of 18, that he is certified by Los Angeles County Health Department, and that he has obtained a business license and pays taxes. Commenting on how tattooing has changed over the years, he explained that his customers include all types of people, including church ministers. Noting that there are adult bookstores and massage parlors along major streets in Torrance, he requested an opportunity to locate his business where there is visibility from the street and a reasonable amount of traffic.

Referring to the draft body art ordinance map, Commissioner Botello noted that there are shopping centers at Prairie Avenue/Redondo Beach Boulevard, Artesia Boulevard/Prairie Avenue, and Pacific Coast Highway/Palos Verdes Boulevard, all of which present opportunities for a tattoo establishment.

Mr. Anderson conceded that there are selected opportunities but stated that the point he was trying to make is that, because of the prejudice that exists regarding tattooing, he needs a much larger section of Torrance to draw from. Reporting on his efforts to find a storefront at three shopping centers earlier in the day, he explained that limiting his business to the airport area, the refinery, and a few selected good opportunities makes finding a storefront an arduous task. He stated that he was willing to bet that should he find 10 available storefronts in the remodeled shopping center at Prairie Avenue and Redondo Beach Boulevard, none of them would be willing to rent to him.

Commissioner Botello noted that it is the landlord's choice whether or not to rent to someone. He suggested the area of Crenshaw Boulevard/Lomita Boulevard as a very viable retail corridor with several opportunities for Mr. Anderson's business. Mr. Anderson related his understanding that there are only one or two open storefronts in this area and taking into account all the areas, he might be able to come up with 20 possibilities, which is not enough given landlords' resistance to renting to him.

Commissioner Botello noted that in addition to the shopping centers in varied areas, there is a large corridor along Western Avenue. Mr. Anderson indicated that he is very familiar with Western and this section includes several apartment complexes and an upscale Japanese mall where he would not be able to rent.

Commissioner Botello suggested that the problem might be a general lack of storefronts in Torrance and not the fact that the map is overly restrictive. Mr. Anderson conceded that that could be the case, but maintained that he was still at a disadvantage due to old prejudices that exist regarding tattooing.

Commissioner Botello noted the stretch of Hawthorne Boulevard from Del Amo to Spencer and from Pacific Coast Highway to Lomita Boulevard. Mr. Anderson indicated that he had checked these areas and found no vacant storefronts.

Commissioner Botello disagreed that the ordinance map was overly restrictive, noting that it offers opportunities throughout the city, including what he considers to be one of the prime areas of Torrance on Palos Verdes Boulevard. Mr. Anderson stated that this small corner has only a gas station and a Savon drug store, but Commissioner Botello related his understanding that there is also a Baskin-Robbins, a jewelry store and a cleaners in this center. Mr. Anderson stated that none of these storefronts are available.

In response to Commissioner Horwich's inquiry, Deputy City Attorney Whitham confirmed that the City has no obligation to find a location for Mr. Anderson's business; that landlords have the right to reject him as prospective tenant; and that the City only has to make tattooing an allowable use in a reasonable amount of locations. She clarified that once the determination was made to maintain a 300-foot buffer around residential uses, churches and schools for the protection of children, the map was generated by computer and there was no intent to systematically limit this type of business to a very few locations.

Commissioner Horwich stated that while he agreed it was not proper for the City to overly restrict Mr. Anderson's business, it was not City's responsibility to find him a location. He noted that Mr. Anderson mentioned earlier that he had made 70 calls about potential locations, which is not an insignificant number.

Mr. Anderson clarified that he made those calls before he was provided with the ordinance map. He stated that he was simply asking for more commercial areas from which to choose; that there are plenty of businesses along Hawthorne and Crenshaw that he would deem undesirable; and that he did not understand why a legitimate business like his should not be allowed to locate there.

In response to Commissioner Uchima's inquiry, Planning Associate Cutting explained how the Draft Body Art Ordinance Map was derived.

MOTION: Commissioner Horwich, seconded by Uchima, moved to close the public hearing; voice vote reflected unanimous approval.

Voicing support for the proposed ordinance without any amendments, Commissioner Botello reiterated his position that it was not overly restrictive. He stated that he personally knew of four viable shopping areas near Newton Street and Pacific Coast Highway with vacancies, as well as other shopping centers that offer opportunities on Western Avenue, Hawthorne Boulevard near Del Amo, and the Crossroads/Costco shopping area. He pointed out that overcoming landlords' resistance was another issue. He noted his agreement with the conclusions outlined in the article *Tattooing and High-Risk Behavior in Adolescents*.

MOTION: Commissioner Botello moved to recommend that the City Council approve the draft ordinance as proposed. The motion was seconded by Commissioner Horwich and passed by a 6-1 roll call vote, with Commissioner Faulk dissenting.

Commissioner Botello clarified that his motion referred to the ordinance as originally proposed without deleting the buffer around churches because he agreed with Commissioner Faulk that churches are common gathering places for young people due to the youth programs and other activities they offer.

MOTION: Commissioner Botello, seconded by Commissioner Horwich, moved to reconsider the vote; the motion passed by unanimous roll call vote.

MOTION: Commissioner Botello moved to recommend that the City Council approve the draft ordinance as proposed, including the 300-foot buffer around churches. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

10. RESOLUTIONS

None.

11. PUBLIC WORKSHOP ITEMS

None.

12. MISCELLANEOUS ITEMS

12A. MIS04-00100: JERRY AND DIANA SMITH

Planning Commission consideration for approval of a Minor Hillside Exemption to allow modifications to the roof of an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 4721 Paseo de las Tortugas.

Recommendation

Approval.

Planning Assistant Santana introduced the request and noted supplemental material available at the meeting.

Commissioner Faulk noted that by hearing this case, the Commission was breaking its policy of not considering a new item after 11:00 p.m., but indicated that he was inclined to hear the item because those involved have been present throughout tonight's lengthy proceedings.

Planning Manager Isomoto stated that she would appreciate the Commission's making an exception in this case.

MOTION: Commissioner Horwich, seconded by Commissioner Faulk, moved that the Commission make an exception to its policy and consider MIS04-00100; voice vote reflected unanimous approval.

Gerald Smith, 4721 Paseo de las Tortugas, thanked the Commission for going forward with the hearing. He requested that Condition No. 3 be modified to state that the maximum height of the proposed roof realignment will match the existing maximum ridge height instead of 14.5 feet as listed, explaining that the ridge is approximately 15.5 feet.

Michel Jonquieres, 4725 Paseo de las Tortugas, appellant, voiced objections to the proposed project. He maintained that a Precise Plan application should have been required for this project rather than a Minor Hillside Exemption because it does not comply with provisions of TMC Section 91.41.6, subsections (a), (b) and (d). He reported that he was supplied with three different sets of plans, including the last one which includes a reduction in the height of the chimney, and questioned whether neighbors who signed off on the original project ever saw the subsequent plans. Referring to renderings submitted for the record, he detailed the view obstruction that would be caused by the proposed roof modification.

In response to Commissioner Horwich's inquiry, Mr. Jonquieres confirmed that the view impairment would be limited to his second-story addition built in 1986.

Commissioner Horwich noted that it is the position of some Commissioners that a view acquired after the adoption of the Hillside Ordinance is not protected by it.

Mr. Jonquieres stated that he was aware of this rationale but noted that it is not a unanimous opinion and there is nothing in the Hillside Ordinance that indicates that an acquired view is less valuable than an original view. Referring to the most recent set of plans, which calls for a reduction in the height of the chimney, he questioned the need for this modification, explaining that the previous owner lengthened the chimney to prevent smoke from blowing into his windows.

Mr. Jonquieres maintained that the applicant had done nothing to try to mitigate the impact on his view, noting that he offered renderings to demonstrate that the desired vaulted ceiling could be accomplished without affecting his view. He contended that the findings outlined in Resolution No. 04-09 were illogical.

Commissioner Botello questioned whether it was Mr. Jonquieres' position that when he built his second story in 1986, he acquired a proprietary right over his neighbor's property. Mr. Jonquieres indicated that he had never thought of it in those terms. Commissioner Botello suggested that the Planning Commission would have never approved Mr. Jonquieres' addition if they thought they were granting him an exclusive right to the view he obtained by building it.

In response to Chairperson Drevno's inquiry regarding Mr. Jonqueres' bay window, Planning Manager Isomoto confirmed that bay windows are not allowed to extend into the required side yard setback and indicated that she did not know when the window was installed.

Commissioner Muratsuchi indicated that he subscribes to the concept that views acquired after the adoption of the Hillside Ordinance are not protected because it would be unfair to deprive someone of an opportunity to build just because someone else did it first.

Mr. Jonqueres noted that this issue is not addressed in the ordinance. Commissioner Muratsuchi explained that a line must be drawn somewhere; that he and other Commissioners have determined the benchmark to be when the Hillside Ordinance was enacted; and that he has tried to be consistent in his application of this concept.

Commissioner Botello voiced his opinion that the acquired view concept is covered under TMC Section 91.41.6 (d) which requires that the proposed project shall not have a harmful impact on other property values in the vicinity. He explained that if protection were granted to acquired views, the Commission could not approve any second story because doing so would adversely impact the property value of neighbors by limiting their ability to remodel.

Laurene Jonqueres, 4725 Paseo de las Tortugas, stated that her husband did not mean to imply that others do not have the right to build, but he was only hoping that a compromise could be reached. She reported that she spends most of her time in the office, which is located in the affected room, and that the proposed non-essential roofline would block the pastoral view that is a source of personal well being.

Commissioner Botello questioned whether a Precise Plan was required because the new roof would be over 14 feet high. Planning Manager Isomoto explained that it was staff's opinion that the sign-off process was appropriate in this case because the proposed roofline does not exceed the maximum height of the existing roof and no square footage was being added to the home. She noted that the sign-off process has been used in similar cases.

Planning Assistant Santana clarified that staff's evaluation of the project was based on the height of the existing ridgeline, which was indicated on the original submittal as 14 feet 6 inches, and they had no objection to amending Condition No. 3 to state that the new roofline shall match the existing ridgeline as long as they are provided with its exact measurement. He noted that the roofline the other neighbors signed-off on was 6 inches higher than currently proposed.

Mr. Jonqueres maintained that Mr. Smith deliberately misrepresented the height of the roof in an attempt to deceive, noting that the height is at least a foot higher than originally listed.

Planning Manager Isomoto suggested that a condition be included requiring the height of the ridgeline to be surveyed prior to construction to ensure that the new construction does not exceed that height.

Commissioner Faulk questioned the need for lowering the chimney.

Building Regulations Administrator Segovia advised that over-height masonry chimneys can cause problems and that staff would prefer that the chimney be brought down to the permitted height.

MOTION: Commissioner Muratsuchi moved for the approval of MIS04-00100, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

No. 3 That the maximum height of the proposed roof realignment will ~~be 14.5 feet~~ match the existing ridge height, which is to be surveyed prior to construction.

The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution No. 04-079.

MOTION Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 04-079 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

12B. ELECTION OF OFFICERS

MOTION: Commissioner Uchima moved to elect Commissioner Muratsuchi as Chairperson for FY 2004-05; the motion was seconded by Commissioner Faulk and passed by unanimous roll call vote, with Commissioner Muratsuchi abstaining.

MOTION: Commissioner Botello moved to elect Commissioner Uchima as Vice-Chair for FY 2004-05; the motion was seconded by Commissioner Faulk and passed by unanimous roll call vote, with Commissioner Uchima abstaining.

13. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

None.

14. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Isomoto reviewed the agenda for the Planning Commission meeting of July 7, 2004.

15. ORAL COMMUNICATIONS

15A. Planning Manager Isomoto thanked police officers who were present at the meeting for security purposes.

15B. Commissioner Horwich commended Chairperson Drevno for doing an excellent job of chairing Commission meetings over the last year.

15C. Commissioner Botello commended staff for the agenda item prepared for the proposed body art establishment ordinance (Item 9D).

15D. Commissioner Muratsuchi requested an excused absence for the July 7 meeting. Commissioner Botello, seconded by Commissioner Fauk, so moved; voice vote reflected unanimous approval.

16. ADJOURNMENT

At 12:33 a.m., the meeting was adjourned to Wednesday, July 7, 2004, at 7:00 p.m.

Approved as Written August 18, 2004 s/ Sue Herbers, City Clerk
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